

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.) No. 1-09-CR-142
)
CARLOS HORNE) COLLIER/LEE

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the three-count Indictment; (2) accept Defendant's plea of guilty to the charge in Count One, that is of conspiracy to knowingly, intentionally and without authority distributing 500 grams or more of a mixture and substance containing cocaine, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B); (3) adjudicate Defendant guilty of the charge in Count One, that is of conspiracy to knowingly, intentionally and without authority distributing 500 grams or more of a mixture and substance containing cocaine, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B); (4) find Defendant shall remain in custody until sentencing in this matter (Court File No. 70). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 70) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the charge in Count One, that is of conspiracy to knowingly, intentionally and without authority distributing 500 grams or more of a mixture and substance containing cocaine, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B) is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charge in Count One, that is of conspiracy to knowingly, intentionally and without authority distributing 500 grams or more of a mixture and substance containing cocaine, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B);
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Thursday, April 8, 2010 at 9:00 a.m.** before the Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE